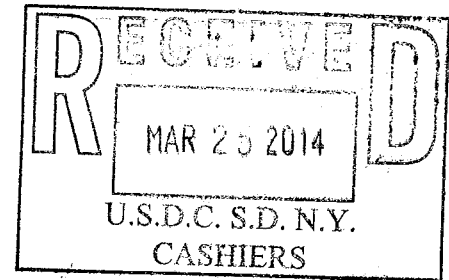


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Cindy Nygaard, and Veronica Law



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

14 CV 2065

RONIT D. APPEL,

____ Civ. _____

Plaintiff,

-against-

NOTICE OF REMOVAL

SCHOEMAN UPDIKE KAUFMAN STERN &
ASCHER LLP, MINDY H. STERN, BETH L.
KAUFMAN, CHARLES B. UPDIKE, ANDREA D.
ASCHER, SUSAN S. CASERO, CINDY NYGAARD,
VERONICA LAW, LAURIE ZELIGSON,
THE ZELIGSON FIRM, PAUL E. BREENE,
REED SMITH LLP, MADISON 96 ASSOCIATES,
LLC, STUART J. BOESKY, JAMISON WEINER,
FRENCH PARTNERS, LLC, THE FEIL
ORGANIZATION, INC., JEFFREY
MANAGEMENT CORP., JEFFREY FEIL, JOHN
FRANCIS BORRELLI ARCHITECT, P.C., JOHN
FRANCIS BORRELLI, INTERIOR
CONSTRUCTION CORP., JOSEPH BRUZZESE,
CREATIVE ENVIRONMENT SOLUTIONS CORP.,
H & B CONSTRUCTION SERVICES, INC., M & B
CONSTRUCTION, and M & B CONSTRUCTION
SERVICES,

Defendants.

-----X

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441 and 1446, defendants Schoeman Updike Kaufman Stern & Ascher LLP, Mindy H. Stern, Beth L. Kaufman, Charles B. Updike, Andrea D. Ascher, Susan S. Casero, Cindy Nygaard, and Veronica Law (hereafter collectively referred to as “the Schoeman defendants”), hereby remove the above-captioned action pending in the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. In support of removal, the Schoeman defendants allege as follows:

1. On or about February 20, 2014, plaintiff Ronit D. Appel commenced a civil action entitled “*Ronit D. Appel v. Schoeman Updike Kaufman Stern & Ascher LLP, Mindy H. Stern, Beth L. Kaufman, Charles B. Updike, Andrea D. Ascher, Susan S. Casero, Cindy Nygaard, Veronica Law, Laurie Zeligson, The Zeligson Firm, Paul E. Breene, Reed Smith LLP, Madison 96 Associates, LLC, Stuart J. Boesky, Jamison Weiner, French Partners, LLC, The Feil Organization, Inc., Jeffrey Management Corp., Jeffrey Feil, John Francis Borrelli Architect, P.C., John Francis Borrelli, Interior Construction Corp., Joseph Bruzzese, Creative Environment Solutions Corp., H & B Construction Services, Inc., M & B Construction, and M & B Construction Services*,” Index No. 151541/2014, in the Supreme Court of the State of New York, County of New York (the “State Court Action”).

2. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). The Schoeman defendants were served with the summons and complaint on February 27, 2014. A copy of the summons and complaint is annexed hereto as Exhibit A. Pursuant to 28 U.S.C. § 1446(a), “a copy of all process, pleadings, and orders” filed in the State Court Action, other than the summons and complaint attached as Exhibit A, are attached hereto as Exhibit B.

3. To date, all defendants who have been served with the summons and complaint have consented to the removal of this action. Specifically, the Schoeman defendants, Reed Smith LLP, Paul E. Breene, Madison 96 Associates LLC, Stuart J. Boesky, Jamison Weiner, Laurie Zeligson, The Zeligson Law Firm, French Partners LLC, The Feil Organization, Inc., Jeffrey Management Corp., Jeffrey Feil, John Francis Borrelli Architect, P.C., John Francis Borrelli, Interior Construction Corp., Joseph Bruzzese, H & B Construction Services, Inc., and Creative Environment Solutions Corp. have consented to the removal of this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. Copies of consent forms signed by these defendants or their attorneys of record are attached hereto as Exhibit C. To date, defendants M & B Construction and M & B Construction Services have not been served with the summons and complaint. By consenting to the removal of this action, no defendant waives any defense he, she or it may have to the sufficiency of service of process upon them, nor do they appear in the action, and they expressly reserve all defenses they may have to this action.

4. In the action, plaintiff asserts, *inter alia*, claims for religious discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”), religious and age discrimination and retaliation in violation of New York State and City Human Rights Laws, violations of certain New York Labor Laws, and a variety of common law causes of action.

5. The court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, by virtue of the assertion of the discrimination and retaliation claims under Title VII. Therefore, this civil action may be removed to this court by defendants pursuant to the provisions of 28 U.S.C. § 1441, *et seq.*

6. All of plaintiff’s allegations and claims in this action purport to arise out of the same set of facts and circumstances and purport to be a part of the same case and controversy. Accordingly, this Court has both original jurisdiction over plaintiff’s Title VII claims pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over plaintiff’s related state, city and common law claims pursuant to 28 U.S.C. § 1367(a).

7. Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division embracing the place where the state court action is pending, namely, New York County.

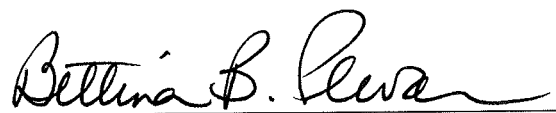
8. A copy of this Notice of Removal is being filed with the Clerk of the Supreme Court of the State of New York, as required by 28 U.S.C. § 1446(d).

9. Written notice of the filing of this Notice of Removal is being given to plaintiff, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the Schoeman defendants respectfully remove this action from the Supreme Court of the State of New York, County of New York to this Court.

Dated: New York, New York
March 25, 2014

PROSKAUER ROSE LLP

By: 

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